

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EDDYSTONE RAIL COMPANY, LLC	:
	:
Plaintiffs,	: <u>ORDER</u>
	:
-v.-	: 19 Civ.9584 (GBD) (GWG)
	:
BANK OF AMERICA, N.A.	:
	:
Defendants.	:
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GABRIEL W. GORENSTEIN, United States Magistrate Judge

The Court has reviewed the parties' recent letters. (Docket # # 85, 86, 87). The Court wishes the parties to be aware that it appears to the Court that the parties have misconstrued the import of footnote 13 of Docket # 81. That footnote does not make a ruling on the question of whether the protective order in the Eastern District of Pennsylvania case should be modified in any fashion (for example, to allow plaintiff to use materials designated as confidential for purposes of drafting an amended complaint). Nor does it commit this Court to issue such an order in the future. Indeed, it is the Court's current view that the Eastern District of Pennsylvania is the only appropriate venue in which to make an application to allow the plaintiff to use material produced in Eastern District of Pennsylvania case without the restriction of the protective order in place there.

A conference to discuss this issue and any other matters raised in the parties' letters shall take place on November 22, 2021, at 4:00 p.m. At that date and time, the parties shall dial (888) 557-8511 and use access code: 6642374. (The public may also dial in but will be permitted only to listen.) When dialing in to the conference, the parties must be in a quiet indoor location and must not use a speakerphone. A telephone line and microphone technology with optimal quality should be used.

The Court will record the proceeding for purposes of transcription in the event a transcript is ordered. However, any other recording or dissemination of the proceeding in any form is forbidden.

Each attorney or unrepresented party is directed to ensure that all other attorneys or unrepresented parties on the case are aware of the oral argument date and time. In addition, any requests for an adjournment must be made in compliance with Judge Gorenstein's rules (available <https://nysd.uscourts.gov/hon-gabriel-w-gorenstein>).

SO ORDERED.

Dated: November 19, 2021
New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge